

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 1-13 have been rejected.

Claims 1, 12 and 13 have been amended.

Claims 1-13 are pending in the application.

Claims 1-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Pike (GB 2306855) in view of Henry et al. (US 5845215 hereinafter "Henry"). This rejection is respectfully traversed.

Claims 1, 12 and 13 have been amended to reflect that a fixed part of the network (e.g. a base station controller) provides instructions for the first mobile station to temporarily perform an intracell handover to an uplink carrier frequency and timeslot corresponding to the common simulcast broadcast carrier, directs the base stations to make uplink measurements of the first mobile station in surrounding simulcast cells when the mobile station is using the common simulcast broadcast carrier, and determines the surrounding cell that offers the best connection for the mobile station for a traffic carrier. Support for these changes can be found on page 5 last full paragraph and last paragraph continuing on to page 6, page 7 second full paragraph and last paragraph continuing on to page 8, page 8 second full paragraph last sentence.

Applicants' invention provides a desirable solution to the problem of conventional methods of cell selection for intercellular handover, involving downlink measurements by mobile stations, the results of which are transmitted to the base transceiver stations, which can result in ambiguity as a result of two mobile stations in non-neighbouring picocells but within the simulcast coverage area transmitting on the same frequency.

Pike, although an improvement in the art, fails to suggest or disclose applicants' elements of; a) a temporary (intermittent) handover to a common simulcast broadcast carrier, b) using a particular timeslot, and c) a determination of the best surrounding cell for handover. Moreover, Pike provides a solution for handover between overlaying cells and not for handover to surrounding cells, as recited in applicants' amended claims. Therefore, Pike does not recognize the problem or solution of applicants' invention.

Henry discloses operating a mobile communication system with a common simulcast broadcast carrier. However, Henry is still missing the elements of; a) a temporary handover to a common simulcast broadcast carrier, b) using a particular timeslot, c) a determination of the best surrounding cell for handover, and d) a handover between the common simulcast broadcast carrier and a traffic carrier, which include the same elements missing in Pike.

Applicants' respectfully submit that it would not be obvious from Pike or Henry, either taken alone or in combination to provide a temporary handover to a common simulcast broadcast carrier in a particular timeslot to measure uplink parameters of surrounding cells to determine traffic channel handovers to surrounding cells.

Accordingly, applicants respectfully submit that amended claim 1 is now in a condition for allowance. Claims 2-10 are dependent on amended claim 1, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Independent claims 12 and 13 have also been amended to similar recitations as detailed with respect to claim 1 above, and are all deemed allowable as well for the same reason.

Applicant respectfully requests that this rejection be withdrawn.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.


No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,
Thomas et al.

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